

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

NICK HAUPRICHIT,

Case No. 3:10 CV 2136

Plaintiff,

Judge Jack Zouhary

v.

REPORT AND RECOMMENDATION

UNITED STATES,

Defendant.

Magistrate Judge James R. Knepp II

Plaintiff Nick Haupricht originally brought a claim in Toledo Municipal Court against Congresswoman Marcy Kaptur. (Doc. 1-1). The United States Attorney removed the case to this Court (Doc. 1), and substituted the United States for Congresswoman Kaptur as the Defendant (Doc. 5). The district court referred the matter to the undersigned on October 6, 2010. (Non-document entry).

Defendant filed a Motion to Dismiss which included an allegation that this Court lacks jurisdiction to hear this case because Plaintiff did not exhaust his administrative remedies as required by the Federal Torts Claim Act. (Doc. 6). The undersigned held a case management conference on November 12, 2010, and at this conference Plaintiff consented to the dismissal of his case so that he can pursue the appropriate administrative procedures. Therefore, in light of Plaintiff's consent, the undersigned recommends the Motion be granted, and this case be dismissed without prejudice.

s/James R. Knepp II

United States Magistrate Judge

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen days of mailing of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See U.S. v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).